

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J.F. on behalf of himself and his minor child, H.F., *et al.*,

Plaintiffs,

-against-

MAYOR ERIC ADAMS, *et al.*,

Defendants.

**NOTICE OF MOTION TO
DISMISS THE THIRD
AMENDED CLASS ACTION
COMPLAINT**

No. 21 CV 11150 (ALC)

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TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of City Defendants’ Motion to Dismiss the Third Amended Class Action Complaint (“TAC”), dated June 5, 2023; the Declaration of Neal Solon in Support of the City Defendants’ Motion to Dismiss, dated June 5, 2023; and upon all other papers and proceedings heretofore had herein, Defendants the City of New York, Mayor Eric Adams, the New York City Department of Education (“DOE”), the New York City Board of Education, Chancellor David C. Banks, the New York City Office of Administrative Trials and Hearings (“OATH”), and Commissioner Asim Rehman (collectively, the “City Defendants”), by their attorney, the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, will move this Court before the Honorable Andrew L. Carter, Jr., of the United States District Court for the Southern District of New York at the United States Courthouse located at 40 Foley Square, New York, New York, on a date and time to be determined by the Court, for an order pursuant to Rule 12 of the Federal Rules of Civil Procedure dismissing the claims against City Defendants in this action, dismissing the TAC in its entirety, and granting such other and further relief to City Defendants as the Court may deem just and proper.

TAKE FURTHER NOTICE that, pursuant to the Court's May 22, 2023 Order, (ECF No. 116), Plaintiffs shall serve and file their opposition papers to this Motion on or before July 10, 2023, and City Defendants shall serve their reply papers, if any, on or before August 18, 2023.

Dated: June 5, 2023
New York, New York

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By: /s/ David S. Thayer
DAVID S. THAYER
Assistant Corporation Counsel

To: ***Via ECF***
All counsel of record